

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**CHAMBERS OF
MICHAEL A. SHIPP
UNITED STATES MAGISTRATE JUDGE**

**MARTIN LUTHER KING COURTHOUSE
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NEWARK, NJ 07102
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Not for Publication

LETTER OPINION AND ORDER

March 29, 2010

VIA CM/ECF

All counsel of record

**Re: Feeney v. Jefferies & Company, Inc.
Civil Action No. 09-2708 (DRD)**

Dear Counsel:

This matter comes before the Court by way of Plaintiff John Feeney's ("Plaintiff") Motion for Leave to File an Amended Complaint ("Motion to Amend"), which has been filed in several different versions dating back to August 28, 2009. (Docket "Doc." No. 8.) Plaintiff originally filed Opposition to Defendant's Motion to Dismiss and a Cross-Motion to Amend the Complaint. Plaintiff's current proposed amended complaint incorporates its various permutations, through the December 23, 2009 Motion to Amend/Correct Cross Motion for Leave to File an Amended Complaint. (Doc. No. 14.)

The Court finds that Plaintiff failed to comply with Local Civil Rule 7.1(d) by failing to file a memorandum of law in connection with his Cross-Motion or a statement explaining why such memorandum was unnecessary. Plaintiff also failed to file a memorandum of law in

connection with his revised versions of the complaint. However, in the interests of justice and judicial economy, the Court has considered the motion.

The Court has reviewed the pleadings and hereby grants Plaintiff's motion. Here, the Court does not find undue delay, bad faith or dilatory motive, or that the non-moving party will suffer any undue prejudice. In addition, the Court does not find that the motion should be denied on futility grounds. Therefore, the Court **ORDERS**:

1. Plaintiff must file his amended complaint by **April 1, 2010**.
2. Defendant must file its Motion to Dismiss within fourteen (14) days of the filing of the Amended Complaint.
3. Plaintiff shall not file a new Cross-Motion to Amend in response to Defendant's Motion to Dismiss. In addition, Plaintiff must comply with the federal and local rules from here forward.

s/ Michael A. Shipp
HONORABLE MICHAEL A. SHIPP
UNITED STATES MAGISTRATE JUDGE